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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/900,254	07/25/1997	PETER PFEUFFER	22750/350	7919
26646	7590	05/24/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			YAO, SAMCHUAN CUA	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 08/900,254	Applicant(s) PFEUFFER, PETER	
	Examiner Sam Chuan C. Yao	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
 2. ☐ The proposed amendment(s) will not be entered because:
 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ they raise the issue of new matter (see Note below);
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
 4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attached Examiner's remarks.
 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
 10. ☐ Other: _____


 Sam Chuan C. Yao
 Primary Examiner
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Remarks

As for Counsel's assertion that, Yamamoto et al does not teach calendering a preheated fibrous web using non-heated calender profiled rolls. Examiner agrees. However, it would have been obvious in the art to modify the process of Yamamoto et al by preheating a fiber web comprising undrawn (i.e. binder) fibers and drawn (i.e. matrix/structural) fibers, and then calendering the pre-heated web using unheated rollers as such is notoriously well known in diverse fields art as evidence from:

Thornton et al, drawn to making a thermally formed filter, discloses a prior art process where a fiber web is heated to a melting temperature of binder fibers and then compacted to a desired thickness using a pair of unheated rollers (col. 1 lines 45-57);

DE '053, drawn to making absorbent pads, discloses heating a fiber web comprising binder fibers using hot air, and then consolidating the heated web using a pair of cold rollers (abstract);


Frank, drawn to a nonwoven moldable composite, discloses a preferred method of consolidating a web, the method comprises through-air heating the web comprising binder fibers to melt the binder fibers, and then using a pair of pinch rollers to densify and cool the heated web; and further teaches that alternative methods such as a hot-calendering of heat-densifying a web (col. 5 lines 6-43); and,

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Gooden, drawn to making a staple fabric, discloses subjecting a web comprising bicomponent fibers to an oven to melt the binder component on each fiber, then passing the heated web to a pair of cold calender rolls (example 5). As noted in the prior office action, one in the art would have chosen from among limited effective known methods of thermally activating undrawn (i.e. binder) fibers in a fiber web and compressing the web with rolls. A preference on whether to subject a fiber web comprising undrawn (i.e. binder) fibers directly to heated calender rolls **or** to pre-heat the web first and then subject it to unheated calender rolls is well within the purview of choice in the art. None, but only the expected result (of thermally activating undrawn (binder) fibers in a web and consolidating the web to a desired structure) would have been achieved.

As repeatedly noted in various prior office actions, **absent any showing of unexpected benefit**, a preference on whether to a) activate the undrawn (i.e. binder) fibers in a fiber web by pre-heating the web and then configuring the web using heated/unheated/cold profiled rolls, **or** b) simultaneously, activate the undrawn (i.e. binder) fibers in a fiber web and configure the web using heated profiled rolls is taken to be well within the purview of choice in the art. There is none, but only the expected result, of heat-activating undrawn (i.e. binder) fibers in a fiber web and shape-bonding the web, would have been achieved in performing process choice "a" or "b".


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 As for using profiled rollers to form spacers to a calendered web, such would have been obvious in the art for reasons of record set forth in an Examiner's Answer (affirmed by the board).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

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05-21-04